

REMARKS***Response to Restriction Requirement***

Pursuant to the Restriction Requirement stated in the Action of August 11, 2008, Applicant hereby elects the invention of Group II, with traverse and subject to the following comments, for prosecution in this application.

The Restriction Requirement is traversed, first of all, for the reason that claim 20 is not included in any of Groups I, II or III. Since claim 20 is dependent on the method for the treatment of a cancer according to any one of claims 15, 16 and 18, which are in Group II claim 20 should properly also be included within Group II. Accordingly, claim 20 has been retained pending in this application as a part of Group II. Clarification by the Examiner that Group II properly includes claim 20 would be appreciated.

Secondly, Applicant traverses certain of the Examiner's characterizations and reasoning as set out in the paragraph numbered "2" at page 2 of the Action. While Applicant does not now contest the Examiner's discretion to restrict the claims as has been done (subject to claim 20 being included in Group II), Applicant does not acknowledge, and expressly reserves the right to argue against, the Examiner's characterizations of the compounds and/or references, and the reasoning and conclusions reached in such paragraph numbered "2", should any such characterization, reasoning and/or conclusion for a part of the rejection of any claim herein.

Finally, the Examiner makes passing reference to "the inventions listed as Groups I-IV" in the first line of that paragraph numbered "2." It will be presumed that the Examiner intended to refer only to Groups I-III inasmuch as no Group IV has been defined in this Action.

Claim Amendments

Claims 9, 11-12 and 22-23 have been newly cancelled as being directed toward non-elected subject matter, and it is understood not eligible for rejoinder inasmuch as method of treatment claims have been elected. The cancellation of these claims is without waiver or prejudice to Applicant's right to prosecute the subject matter thereof in one or more divisional applications.

New claim 24 has been added, which is dependent on any one of elected claims 15, 16 and 18 and further defines the cancer being treated. Support for claim 24 is found in the

specification at, e.g., page 30, lines 1-2. This claim is clearly within the subject matter of elected Group II, and entry of this claim is respectfully requested.

Following entry of the above amendments, claims 15-18, 20-21 and 24 are pending in this application.

Information Disclosure Statement

The Examiner's attention is called to the Information Disclosure Statement being submitted herewith, which includes a form PTO-1449 and a copy of each of the non-US patent/published application documents, as well as a copy of the International Search Report and the International Preliminary Examination Report. Each of the documents cited in the International Search Report is cited on the form PTO-1449 and a copy is provided therewith. The form PTO-1449 also lists the published US applications and corresponding published PCT applications cited on the Table of related cases of Applicant's assignee provided below, and a copy of the cited published PCT applications is provided with the Information Disclosure Statement.

Technically Related Pending Applications of Applicant's Assignee

The Examiner's attention is called to the following Tables of pending U.S. applications of Applicant's assignee that may be considered technically related to the present invention insofar as they each claim combination therapy involving one or the other of AZD2171 and 5-FU/CPT-11 with another different therapeutic agent.

The following Table lists technically related pending U.S. applications of Applicants' assignee that claim a combination of AZD2171 with another therapeutic agent identified under the heading "Combination with." The current status of each application as reported in the PAIR database is given in the right-hand column. Each published US applications and PCT application is listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of the listed published PCT application is provided with the Information Disclosure Statement.

Again, it is assumed that the Examiner has ready electronic access to this pending US application, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

US Appln	Date US Filed	US Pub. #	PCT Pub. #	Combination with	Current Status
10/240,413	01 Oct 2002	US 2003 0144298	WO 2001/74360	Anti-hypertensive	Assigned to Examiner Charlesworth E Rae in GAU 1611; Final Rejection Mailed 10-02-2008
10/563,440	05 Jan 2006	US 2006 0160775	WO 2005/004871	ZD6126	Assigned to Examiner Chris E Simmons in GAU 1612; Final Rejection Mailed 07-22-2008
10/563,439	05 Jan 2006	US 2006-0167024	WO 2005/004872	ZD1839	Assigned to Examiner Benjamin J Packard in GAU 1612; Non Final Action Mailed 09-10-2008
10/594,234	25 Sep 2006	US 2007 0135462	WO 2005/092385	Taxane. optionally IR	Assigned to Examiner Charlesworth E Rae in GAU 1611; Non Final Action Mailed 06-19-2008
10/594,235	25 Sep 2006	US 2008 0113039	WO 2005/092384	Platinum anti-tumour agent, optionally IR	Assigned to Examiner Shyam Nathan in GAU 4161; Non Final Action Mailed 10-03-2008
11/663,912	27 Mar 2007	US 2008 0015205	WO 2006/035203	Imatinib [Gleevec]	Assigned to Examiner James D. Anderson in GAU 1614; Non Final Action Mailed 09-22-2008
11/994,824	04 Jan 2008		WO 2007/003933	Gemcitabane [Gemzar]	Application Undergoing Preexam Processing; Not yet assigned or published
12/158,266	19 Jun 2008		WO 2007/071970	pemetrexed	Assigned to GAU 1614, no Examiner assigned; predicted first Action 36 months.

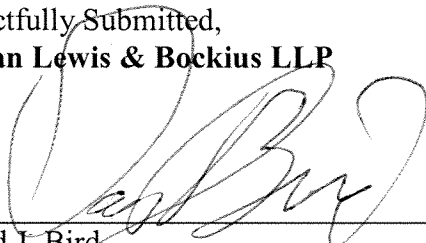
The following Table lists a technically related pending U.S. applications of Applicants' assignee that claim a combination of 5-FU and/or CPT-11 with another therapeutic agent identified under the heading "Combination with." The current status of this application as reported in the PAIR database is given in the right-hand column. The published US application and PCT application are listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of the listed published PCT application is provided with the Information Disclosure Statement.

Again, it is assumed that the Examiner has ready electronic access to this pending US application, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

US Appl	Date US Filed	US Pub #	PCT Pub #	Combination with	Current Status
10/543,106	22-Jul-2005	US 2006-0142316	WO 2004/071397 26-Aug-2004	ZD6474	Assigned to Examiner Christopher Stone in GAU 1614; final rejection mailed July 23, 2008

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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Date: October 14, 2008
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